

REMARKS

Claims 18-27 and 29-33 are pending in the application. Reconsideration and withdrawal the Examiner's rejections are hereby respectfully requested in view of the following remarks.

1. The § 112 Rejection of Claims 18-27 and 29-33.

Claims 18-27 and 29-33 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

The Examiner contends that the independent claims recite a first surface, second surface, and two different wound-scontacting surfaces. The Examiner further contends that it is unclear that whether the first and second surfaces are the same as the wound-contacting surfaces, and that the meaning of two different wound-contacting surfaces and their placements is also unclear. Applicant has amended the independent claims, claims 18 and 19, in order to more particularly articulate the applicant's invention. The amendments made to the independent claims, claims 18 and 19, now recite "said dressing first surface and second surface comprising two different wound-contacting surfaces so as to provide disparate wound healing characteristics depending on which of the first surface and second surface of

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the dressing is placed in contact with the wound.” Claims 18 and 19 are believed to overcome the Examiner’s rejection, and applicant, in view of the above amendments, hereby respectfully requests reconsideration and a withdrawal of the Examiner’s § 112 rejection.

2. The § 103(a) Rejection of Claims 18-27 and 29-33 over U.S. 5,258,421 (“Lorenz”) itself, or in view of U.S. 5,939,339 (“Delmore”).

Claims 18-27 and 29-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lorenz in view of Delmore. This rejection is respectfully but strenuously traversed, and reconsideration and withdrawal of the rejection are hereby respectfully requested.

The Examiner contends that Lorenz teaches a hydrophilic gel dressing (referring to the abstract), which is made of a tacky gel of polyurethane and poly (N-vinyl lactam) on a substrate such as silicone-polytetrafluoroethylene IPN membrane. The Examiner contends that the reference teaches silicone-polytetrafluoroethylene utility in a wound dressing because it keeps moisture in and excess exudate is absorbed (referring to col. 5, lines 50-68). The Examiner contends further that the Lorenz gel layer is used as the adhesive and as an absorbent layer, and that the backing substrate is also useful as a burn blanket and that the backing substrate may be covered by a silicone-coated release-liner. The Examiner relies upon Delmore for its alleged disclosure of a wound dressing that is porous,

self-adhering, and, as the Examiner argues, is capable of absorbing wound exudates.

The Examiner acknowledges that Lorenz does not provide a specific example and is deficient. However, the Examiner asserts that it is obvious to use the tacky gel in combination with the IPN membrane, and that one would be motivated to do this since Lorenz teaches that an IPN layer keeps moisture in while absorbing wound exudates through a porous network, with the polyurethane layer acting as an adhesive, absorbent layer. The Examiner contends that "if it is desirable for one to make a distinction between layers" one would look to Delmore who teaches a pigmented substrate.

Applicant's present invention is not taught, suggested or disclosed by the references cited by the Examiner. The present invention provides a novel composite article for use as a wound dressing. In particular, applicant's present invention features a first surface and a second surface which each have disparate properties for wound healing, where there are provided two different wound-contacting surfaces so as to provide disparate wound healing characteristics. Thus, a first surface may be used for a first healing characteristic and a second surface may be used for a different healing characteristic. This is an example of how the applicant's present invention may be used as a wound dressing. The Examiner relies upon Lorenz. However, Lorenz does not teach, suggest or disclose the applicant's present invention. In fact, Lorenz actually teaches away from the applicant's present invention. Lorenz fairly

teaches a gel to be used as a wound dressing material. A fair reading of Lorenz provides an understanding that the gel serves as the contact surface which is to be applied to the skin (col. 5, lines 33-40). Lorenz discusses backings for the gel. However, it is only the applicant's present invention in which a teaching or disclosure may be gained of a suggestion to provide a wound dressing which has a first surface and a second surface with disparate properties for wound healing and where the first surface and second surface have different wound healing characteristics depending *on which of the first surface and second surface is being placed in contact with the wound*. Lorenz discusses substrates or backings to be used in conjunction with the gel, the gel being the contact surface.

Moreover, the Examiner's reference to the backing being useful as a burn blanket for serious burns in Lorenz is misplaced. What Lorenz actually discloses is that the wrap can serve the function of cooling the burned area through the heat sink effect of water in the hydrophilic gel, while preventing infection through a barrier effect of a substrate and/or anti-microbial additives incorporated into the gel. (col. 6, lines 28-34). It is clear from a reading of Lorenz that Lorenz is not disclosing a first surface and a second surface which may be placed in contact with the wound but rather Lorenz throughout relies upon the single, gel surface contacting the skin or wound. The function of cooling the burned area is understood to be functioning as a backing for the gel with the water or anti-microbial additive in order to function in the

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way Lorenz discloses, is what is contacting the skin. It is untenable from a reading of Lorenz to arrive at the conclusion which the Examiner creates in the Office Action. Unlike applicant's invention, Lorenz does not appear to disclose or suggest placing a surface other than the gel in contact with the wound. Contrary to the Examiner's position, Lorenz would not be relied on by one of ordinary skill in the art to arrive at the applicant's present invention.

One of ordinary skill would not be led by any teaching to reverse what Lorenz actually discloses and relies upon for its invention. It would be unfair to impose upon one of ordinary skill in the art the ability to destroy a reference for what it actually discloses in order to then claim that that reference somehow teaches or suggests the applicant's invention.

The Examiner further relies upon Delmore. However, Delmore, either alone or in combination with Lorenz, still fails to teach, suggest or disclose the applicant's present invention. Delmore appears to teach compressive dressings with absorbent materials attached thereto. Applicant is unable to find in Delmore a teaching of a dressing design with two different wound-contacting surfaces as to provide disparate wound healing characteristics depending on which face of the dressing is placed in contact with the wound. For the reasons set forth above, and for these additional reasons, it is respectfully submitted that Delmore either alone or when combined with Lorenz does not disclose or suggest the applicant's present invention as recited in the

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amended and pending claims. For the above reasons, the applicant's claims are not obvious in view of the cited references, and should be patentable.

3. The § 102(b) Rejection of Claims 18-20, 22-25, 28-29 and 33 as being anticipated by U.S. 5,147,338 ("Lang").

Claims 18-20, 22-25, 28-29 and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lang. This rejection is respectfully but strenuously traversed and reconsideration and withdrawal of the rejection are hereby respectfully requested.

For the same reasons as those set forth above, Lang fails to teach, suggest or disclose the applicant's present invention. As pointed out above the applicant's claims call for the dressing to have a first surface and second surface comprising two different wound-contacting surfaces. Lang merely discloses a dressing which has a wound facing layer and an outer barrier film. Unlike the applicant's present invention, Lang does not teach, suggest or disclose a dressing design with two different wound-contacting surfaces so as to provide disparate wound healing characteristics depending on which face of the dressing is placed in contact with the wound. For the above reasons, and for these additional reasons, the applicant's present invention, as recited in the amended claims set forth above, is not anticipated by Lang, and should be patentable.

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CONCLUSION

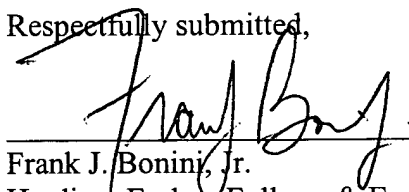
For the reasons set forth above applicant respectfully requests reconsideration and a withdrawal of the Examiner's rejections. Early allowance of the pending claims is earnestly solicited.

If further matters remain in connection with this response, the Examiner is invited to telephone the Applicant's undersigned representative to discuss them.

In the event that an extension of time, or further extension of time is necessary, in order for this response to be timely filed, Applicant hereby respectfully requests that this be considered a petition for the necessary extension of time.

The Commissioner is authorized to charge any additional fees, including extension fees, which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,



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